

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JOELE SPADA,)	
)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 05-11070-PBS
)	
STOP AND SHOP SUPERMARKET)	
COMPANY,)	
)	
Defendant.)	
)	

JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1(D)

Pursuant to Local Rule 16.1, the Plaintiff, Joele Spada (“Plaintiff”), and the Defendant, The Stop & Shop Supermarket Company LLC (“Defendant”), hereby submit this Joint Statement Regarding Proposed Pretrial Schedule pursuant to Rule 16.1(D) of the Local Rules of the United States District Court for the District of Massachusetts and the Court’s Notice of Scheduling Conference. The parties jointly and respectfully request that the Court approve the following Proposed Pretrial Schedule and Discovery Plan:

1. PROPOSED DISCOVERY PLAN

December 31, 2005	The Parties have agreed to complete and serve automatic disclosures on or before this deadline;
July 31, 2006	Deadline for completion of all discovery, including requests for production of documents, interrogatories and depositions;

2. PROPOSED SCHEDULE FOR FILING MOTIONS

September 30, 2006	Deadline for filing dispositive motions, if either party determines that such a motion is appropriate;
October 31, 2006	Deadline for filing opposition to dispositive motion; and
November 14, 2006	Deadline for filing reply brief.

3. MODIFICATION OF SCHEDULED DATES

The parties submit that they will be ready for a Pre-Trial Conference in this action within 45 days of the date of a final ruling by the Court on any dispositive motion.

All dates, other than any trial date, may be modified subject to written agreement of the parties and approval by the Court, or upon motion to the Court for good cause.

4. TRIAL BY A MAGISTRATE JUDGE

At the present time, the parties do not consent to trial of this action by a Magistrate Judge.

5. SETTLEMENT

The parties have discussed settlement but have been unable to reach agreement as of this date. Defendant has received a written settlement demand from Plaintiff's counsel, in accordance with Local Rule 16.1.

6. CERTIFICATIONS

The undersigned counsel hereby certify that they have conferred with their clients with a view to establishing a budget for the costs of conducting the full course and various alternative courses of the litigation, and to consider the resolution of the litigation through the use of alternative dispute resolution programs. The parties have submitted, or will submit, separately the certifications required by Local Rule 16.1(D)(3).

WHEREFORE, Plaintiff and Defendant respectfully request that the Court approve their Proposed Pretrial Schedule and Discovery Plan, with such amendments as the Court deems just and proper.

Respectfully submitted,

PLAINTIFF,
JOELE SPADA

DEFENDANT,
THE STOP & SHOP SUPERMARKET
COMPANY LLC

By her attorney,

By its attorneys,

/s/ Mitchell J. Notis
Mitchell J. Notis
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/s/ Daniel B. Klein
Daniel B. Klein
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Dated: December 9, 2005

CERTIFICATE OF SERVICE

I, Daniel B. Klein, hereby certify that on this 9th day of December, 2005, a true copy of the foregoing document was mailed, postage prepaid, to Mitchell J. Notis, Esq., Law Offices of Mitchell J. Notis, 370 Washington Street, Brookline, MA 02445, Counsel for the Plaintiff.

/s/ Daniel B. Klein
Daniel B. Klein